



# **NORTHAMPTON LICENSE COMMISSION AUGUST 12, 2009 Minutes**

*Commission Chairman Brad Shimel, Commissioner William Rosen,  
Commissioner Stephanie Levin*

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**Commissioner Shimel opened the meeting at 4:03 p.m.**

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**1. Continuation of Public Hearing on Application for Extension of Premises**

One Bridge Street, Inc.  
D/b/a Paradise City Tavern  
1 Bridge Street  
Northampton, MA 01060

Commissioner Shimel asked Building Commissioner Anthony Patillo to report on the Commission's request for more information regarding building regulations.

Building Commissioner Patillo noted that State regulations regarding tent usage limits use to 180 days or less. He notes that the location of a tent must be 20 feet away from lot lines. Using 527 CMR and State fire codes, the temporary use of tents under MGL 304 CMR as well as 30.3 and use of structures over 180 days falls under the International Fire Code. Per Acts of 304 the occasional use can be waived. Mr. Patillo stated again his concerns that this licensee is operating as a nightclub. Mr. Patillo went to St. John Cantius Church as there was a concern regarding the 16C Finding that must be done by the License Commission. The Church people stated they had no notification of this application; however, Building Commissioner Patillo confirmed with the License Clerk that the church secretary signed for a notification, and the abutter card was returned to the License Commission with proper notification to the church. Some miscommunication within the church personnel appears to have taken place, and the church people are concerned about this application.

Commissioner Shimel noted that no representative from the Fire Department was present. Commissioner Shimel then recognized Attorney Joseph DeFazio, counsel for the licensee of the application.

Attorney DeFazio stated that he just today became aware of some concerns regarding the International Fire Code and regulations while in a meeting this morning with Building Commissioner Patillo and Fire Chief Duggan. Attorney DeFazio stated that this applicant has a full liquor license on the premises, and the application would only extend that license. He stated that some events would require a tent, but that some may not require a tent. He stated that he believes the local Commission and ABCC should not

judge their approval on this application based on issues with the tent. The licensee intends to follow all rules and regulations regarding tent use when needed.

Attorney DeFazio stated that some proposed events may occur during the day, and some proposed events may go into the evening hours. He suggested the Commission could set time limits. He asked for reasonable limitations the events and the licensee will comply.

Commissioner Rosen state that use of a tent or a lack thereof is relevant to this Commission because we must ensure the safe serving of alcohol.

Attorney DeFazio noted that the ABCC is licensing golf courses now, with no structure or tent, but by conforming to the law. This application is unique in that it asks to extend the premises and may include a tent or enclosed area.

Commissioner Rosen noted that the area in question of extension of the premises was historically part of the license.

Commissioner Levin stated that it is important to be clear and relevant. She stated that the extension of premises couldn't be into just an open parking lot.

Attorney DeFazio again stated that the intent is to bring the inside business outside, but to hold community events, special events, with a business plan for the events, to respond and be creative to the community. To answer the questions of Commissioners, he assured the Commission that the area will be clearly marked, monitored, not having a tent up all the time. This application is a precedent and unique.

Commissioner Shimel asked if any in attendance wished to speak to this application. He asked that those who spoke last time (7/22/09) allow new speakers to speak first.

Northampton City Councilor Robert Reckman spoke as a character reference for Claudio Guerra. He stated that Mr. Guerra has always been involved in Northampton, now is in the BID, and participated in the Taste of Northampton. Mr. Reckman stated that Mr. Guerra is eager to contribute to Northampton in a responsible and civilized fashion. This application and approval would enhance that participation.

Angie Fiedenkevitz stated that the Church has bingo and parking is at a premium now. They are losing business, with concerns of those drinking alcohol, urinating in the area, sleeping on the church stairs and safety issues. She stated that the Church and Father were not properly informed of this application.

The Clerk confirmed that the abutter card was signed and returned properly. There was confusion as to who did or did not inform the proper church officials within the church office. The licensee followed proper procedures for notification.

Teri Anderson, Director of Community and Economic Development Office of Northampton spoke to the Commission regarding the application. She stated that she

spoke with Mr. Patillo, Building Commissioner, and Chief Russell Sienkiewicz, Police Department and while there are some unresolved issues, Ms. Anderson believes there are good reasons to approve this application. She suggested the Commission define the permit, perhaps limit to twelve events per year, set parameters, restrict the length of the event(s). She believes the application is possible, with conditions. She stated that the Chief of Police has suggested a 10:00 p.m. cap. Some issues involve security, clearly demarcated area, some fire, building, and noise and litter issues. Another suggestion is to give advance notice. Ms. Anderson again stated her support of the application.

Judith Fine – She has know Mr. Guerra and worked on the BID. The BID wants to start to communicate and support and encourage, and include vibrancy to the downtown. Mr. Guerra is a community giver, and would comply with any rules and regulations. She suggested a six or twelve-month trial, the licensee might announce parking should be in the garage. Please consider trying this, with some occasions as invitation only.

Colleen Pella, Silverscape Design – This is a great idea for outdoor events and family. If this had been done when the 2 ½ override vote was going on, it would have been great! This will bring in outsiders to the City.

Jim Flynn – have an Internet business, EZ Takes, and this would be a unique and unusual addition to the City with potential to compete with other towns.

Michael Kesak – This would be enhancement to the business for Claudio, and give an edge in the market. If many people are inside, and this is available, can move outdoors if larger.

Kathleen Baatz – Here again to speak about noise issues, we felt dismissed at the last meeting. We don't understand this open-ended. Should not bring the noise outdoors! Last year, the application appeared for a small deck, but the real size was larger! We are neighbors. The tent can be bigger than the building – the last tent extended, and there was no structure. Our issues are that the tent does not contain the noise, gets louder and louder, take our needs into account, and geography is not the issue.

Anthony Patillo, Building Commissioner – Had discussions with Attorney DeFazio, Police Chief Sienkiewicz, Fire Chief Duggan. The quality of life is an issue, and we must enforce the sound and noise. All departments are understaffed. Under MGL 138, 16C you must determine if detrimental to the church. You can say no (to this application)!

Commissioner Levin stated that residents should not have presumption that the Commission does not consider quality of life, impact of noise, vandalism, as well as all the benefits of this application. The Commission has never said, "Unless safety issue, we are not concerned"! What is good for Northampton? If this impression was created, it is incorrect.

Kathleen Baatz – "You said, "you live in downtown, there is noise!"

Commissioner Levin stated that this is a fact.

Claudio Guerra stated that the church was mentioned, and his wife and mother go to that church. They park at the tavern, and he is willing to open parking. In fact, his wife, Maria, volunteered to be the point person for upcoming events and thrilled to work with neighbors and churches to coordinate events and welcome the churchgoers to use the lot.

Commissioner Levin liked the idea of a 10:00 p.m. closing rule for this, but then the events would seem somewhat limiting.

Claudio Guerra – the music would stop, people would evacuate reasonably, would hope for 11:00 p.m. closing, 10:00 p.m. during the week, no actual events, just ideas, nothing yet planned.

Commissioner Shimel suggested the hearing could now be closed.

Commissioner Levin stated it is useful to talk about and have this discussion, but questioned if more input is needed?

Commissioner read several letters into the record from Candice Connors of Jackson & Connor (business owner), Attorney Jess M. Adams, Don Muller, owner Don Muller Art Gallery, and Suzanne Beck, Executive Director of Greater Northampton Chamber of Commerce in support of this application (See attached).

Commissioner Rosen stated it was a bit unclear what the City wants. Ms. Anderson suggested that the application should go forward with restrictions or limitations. Mr. Patillo does not want the application to go forward. The Police and Fire Departments were not represented at this meeting. Neighbors and the church not supportive. The City will have to deal with this.

Ms. Anderson stated that Police Chief Sienkiewicz is concerned with security at these events, have the area demarcated, noise, and suggested that there be a condition of “clearly limited, intermittent, and occasional use” with a written agreement and conditions.

Mr. Patillo stated the event should be no later than 10:00 p.m.

Claudio Guerra stated that this process is not good for his health and he prefers a decision now.

**Commissioner Rosen moved to close the public hearing; Commissioner Shimel seconded. The vote passed unanimously (3-0).**

The Commission deliberated and discussed the idea of a trial period with restrictions. The Commissioner came to agreement and the following motion was made:

**Commissioner Levin moved to approve the application for Paradise City Tavern for Extension of Premises with the following:**

- 1) FOR A TRIAL PERIOD BEGINNING ON APPROVAL DATE BY A.B.C.C. THROUGH JUNE 1, 2010 FOR LIMITED, INTERMITTENT AND OCCASIONAL USE FOR SPECIAL EVENTS, NOT FOR GENERAL OVERFLOW OF PREMISES. THE NORTHAMPTON LICENSE COMMISSION WILL REVIEW THIS APPROVAL OF EXTENSION OF PREMISES AT THE JUNE 2010 MEETING.**
- 2) LICENSEE MUST GIVE ADVANCE NOTICE TO BUILDING COMMISSIONER, FIRE DEPARTMENT AND POLICE DEPARTMENT.**
- 3) SERVING AREA MUST BE ENCLOSED AND CLEARLY DEMARCATED.**
- 4) EVENT MAY BE NO LATER THAN 9:00 P.M. WEEKDAYS, NO LATER THAN 10:00 P.M. ON FRIDAY AND SATURDAY.**
- 5) EVENTS MAY BE NO MORE THAN FORTY-FIVE (45) DAYS AGGREGATE, NOT TO EXCEED THREE (3) PER WEEK.**

**Commissioner Shimel seconded the motion. The vote passed unanimously (3-0).**

**Commissioner Shimel moved to approve the 16C finding (attached) for the application; Commissioner Levin seconded the motion. The vote passed unanimously (3-0).**

**At 5:37 p.m., Commissioner Shimel moved to adjourn and was seconded by Commissioner Rosen. The vote passed unanimously (3-0).**

**Next meeting is September 2, 2009 at 4:00 p.m.**

*Respectfully submitted,  
Mary L. Midura  
Executive Secretary*

**Memorandum**

**To:** License Commissioners  
**CC:** Chief Russell Sienkiewicz, Building Commissioner Anthony Patillo  
**From:** Mary L. Midura, Executive Secretary  
**Date:** 7/22/2009  
**Re:** Paradise City Tavern, 1 Bridge Street

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Commissioners –

You should be aware that an abutter of Paradise City Tavern, Kathleen Baatz called me late on Tuesday, July 21, 2009 to report that her husband observed an event at Paradise City Tavern on July 15 or 16 in which a tent was used. Ms. Baatz stated that there was loud noise.

I called Anthony Patillo, Building Commissioner this morning, and he has no record of a tent permit for this location on either July 15 or 16.



Building  
Commissioner

# City of Northampton

Massachusetts

## DEPARTMENT OF BUILDING INSPECTIONS

212 Main Street • Municipal Building  
Northampton, MA 01060  
413-587-1240



June 23, 2009

## CEASE AND DESIST

Claudio Geurra  
One Bridge Street  
d/b/a PARADISE City Tavern  
82 Industrial Drive, Unit 3  
Northampton, MA 01060

Mr. Geurra,

You are ordered to cease and desist the DJ operations and dance floor that you have operated at One Bridge Street, Paradise City Tavern. The use of a dance floor and DJ has changed the use group from a restaurant to that of a nightclub. This change requires that a sprinkler system be installed in all areas as per 780CMR 7<sup>th</sup> edition;

**903.2.1.2.1 Group A-2nc.** An automatic sprinkler system shall be provided throughout buildings having a Group A-2nc occupancy where the occupant load is 50 or greater.

**Failure on your part to stop these activities will result in fines and or court action pursuant to MGL c.148 and 780CMR.**

Please contact this office upon receipt of this letter. Inspections will be made to insure your compliance to 780 CMR.

Sincerely,

Anthony Patillo  
Building Commissioner  
City of Northampton

CC: License Commission, Police Chief R. Sienkiewicz, Fire Chief B. Duggan, Mayors Office



Building  
Commissioner

# City of Northampton

Massachusetts

## DEPARTMENT OF BUILDING INSPECTIONS

212 Main Street • Municipal Building  
Northampton, MA 01060  
413-587-1240



July 21, 2009

Attorney Joe Defazio  
Paradise City Tavern  
Request for Extension of Premise Liquor License

Joe,

I received from you a reply to questions that the city has regarding Paradise City Tavern request for an extension of premise license.

As the replies may be used as condition of the request, I would like the owner's response in writing on a letter head from Paradise City with the signature of person having authority (the owner).

There needs to be some clarity on the responses. The questions that need clarification are the following;

1. Question "is the tent to be onsite all summer or only during an event? Your response..."Tents will go up on the event by event basis we have no intention of leaving one up all season". Clarify what " leaving one up all season" means in your estimation.
2. What are your normal business hours, as you have stated you would like to use main building's bathrooms if event is occurring when Paradise City is closed?
3. Provide a clear statement that bathroom facilities will be provided outside of main building for tent events.
4. Clarify if whether these events are by invitation only or open to general public.
5. Provide a site plan showing proposed location where tent will be erected, and where bathrooms will be located.
6. Who will be electrician responsible for securing temporary wiring permits?
7. What do you anticipate as the number of times the tent will be used for these events?
8. Are you intending to have a temporary stage and lighting?

You may email response on letter head without signature but at hearing we will want a hard copy with signature.

Thanks

Anthony Patillo  
Building Commissioner  
City of Northampton

CC: Chief of Police, Fire Chief, License Commission



August 12, 2009

License Commission  
Northampton, MA

To whom it may concern:

My name is Candice Connors, co-owner of Jackson & Connor in Thornes Marketplace. As a local business owner, I and my business partner Tara Tetreault, frequent Paradise City Tavern often. On top of Paradise City Tavern being a great place for people to relax after work and enjoy some good food and drinks, it is also a great venue to host various events. The staff is pleasant and professional as well as responsible in making sure everyone there is pleased and having a great time. I have always enjoyed myself whenever I've attended, or hosted, an event there, and am happy that there is a venue in Northampton that is continually striving for the better.

I would urge you to help them increase their ability to accommodate large events and allow them to extend their premise to the property beside them. I am looking forward to the doors this could open up for them as it pertains to new promotions. Thank You.

Sincerely,  
Candice Connors  
Co-Owner Jackson & Connor  
150 Main St 2<sup>nd</sup> Floor  
Thornes Marketplace  
Northampton, MA 01060

**Jesse M. Adams**

**Attorney at Law**

187 Main Street, Suite 4  
Northampton, MA, 01060

**Phone** 413.413.563.2006

**Fax** 413.586.7500

[jessemadams@aol.com](mailto:jessemadams@aol.com)

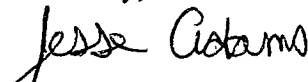
August 11, 2009

Dear Northampton License Commissioners,

My name is Jesse Adams and I am writing this letter in support of Claudio Guerra's request for an extension of premises at the Paradise City Tavern. I feel that infusing new energy into a space currently being used as a parking lot is a great idea for downtown. Especially given the climate of the current economy I think that anything to drive traffic to central business is crucial, and this particular idea seems to me to have a unique draw that will benefit the downtown community. I hope that you vote in favor of his request.

Please read this letter into record.

Sincerely,

  
Jesse Adams, Esq.



8/11/2009

Dear Liquor License Commission-

I'm writing this letter in support of Claudio Guerra's request to extend his useable space in order to serve alcohol. I believe I understand Claudio's intent which is to use his parking lot for exciting events including festivals and private parties which would be a great addition to the Downtown Northampton Scene. I've owned Don Muller Art Gallery for 30 years now and I feel strongly that this type of usage is exactly what Downtown Northampton needs in order to support local businesses and drive tourism. Thank you for reading my letter into record.

Sincerely,

A handwritten signature in cursive script that reads "Don Muller". The signature is written in dark ink and is positioned above the printed name and title.

Don Muller  
Owner  
Don Muller Art Gallery



William Collins <bill.spoletto@gmail.com>

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## Paradise City Tavern License Application

1 message

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Suzanne Beck <Suzanne@explorenorthampton.com>

Wed, Aug 12, 2009 at 2:34 PM

To: Claudio.spoletto@gmail.com, bill.spoletto@gmail.com

Cc: William Dimmitt <wdimmitt@axiagroup.net>



Wednesday, August 12

Hi Mary,

I am writing to support the application from Paradise City Tavern which is on Wednesday's License Commission agenda. My understanding is that Claudio Guerra is proposing to extend the licensed premises to the parking lot adjacent to the Paradise City Tavern to use for special events. This will add more excitement to the downtown central business area and certainly add foot traffic, which I feel strongly would drive sales of local businesses and increase tourism to the town.

I am on vacation this week and traveling tomorrow, so I can't attend the meeting in person. I would appreciate it if you could forward this email to the Commissioners or mention it at the meeting.

Thank you for sharing this with the Commission.

Best,  
Suzanne

Suzanne Beck  
Executive Director  
Greater Northampton Chamber of Commerce  
99 Pleasant Street  
Northampton, MA 01060  
Phone: 413-584-1900  
Fax: 413-584-1934  
[www.explorenorthampton.com](http://www.explorenorthampton.com)

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CITY OF NORTHAMPTON

LICENSE COMMISSION

IN RE: APPLICATION FOR EXTENSION OF PREMISE FOR AN ANNUAL  
RESTAURANT ALL ALCOHOLIC LICENSE BY 1 BRIDGE STREET INC.,  
D/B/A PARADISE CITY TAVERN, 1 BRIDGE STREET, NORTHAMPTON

FINDING PURSUANT TO M. G. L. CH. 138, SEC. 16C

The City of Northampton's License Commission, having held a public hearing on July 22, 2009, with notice specifically given to St. John Cantius Church, does hereby make the following determination as required under Massachusetts General Laws, Chapter 138, Section 16c.

1. That the proposed location of the license is within 500 feet of the St. John Cantius Church, located at 10 Hawley Street.
2. That there are at least two other licensed establishments located within the same distance to the Church than the proposed establishment.
3. That given the above, this Commission finds that there will be no negative impact on the educational or spiritual activities of the church, by the granting of alteration of this License.

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Brad Shimel, Chair